

108TH CONGRESS  
1ST SESSION

# S. 165

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## AN ACT

To improve air cargo security.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Cargo Security  
5 Improvement Act”.

1 **SEC. 2. INSPECTION OF CARGO CARRIED ABOARD PAS-**  
2 **SENGER AIRCRAFT.**

3 Section 44901(f) of title 49, United States Code, is  
4 amended to read as follows:

5 “(f) CARGO.—

6 “(1) IN GENERAL.—The Under Secretary of  
7 Transportation for Security shall establish systems  
8 to screen, inspect, or otherwise ensure the security  
9 of all cargo that is to be transported in—

10 “(A) passenger aircraft operated by an air  
11 carrier or foreign air carrier in air transpor-  
12 tation or intrastate air transportation; or

13 “(B) all-cargo aircraft in air transpor-  
14 tation and intrastate air transportation.

15 “(2) STRATEGIC PLAN.—The Under Secretary  
16 shall develop a strategic plan to carry out paragraph  
17 (1) within 6 months after the date of enactment of  
18 the Air Cargo Security Improvement Act.

19 “(3) PILOT PROGRAM.—The Under Secretary  
20 shall conduct a pilot program of screening of cargo  
21 to assess the effectiveness of different screening  
22 measures, including the use of random screening.  
23 The Under Secretary shall attempt to achieve a dis-  
24 tribution of airport participation in terms of geo-  
25 graphic location and size.”.

1 **SEC. 3. AIR CARGO SHIPPING.**

2 (a) IN GENERAL.—Subchapter I of chapter 449 of  
3 title 49, United States Code, is amended by adding at the  
4 end the following:

5 **“§ 44922. Regular inspections of air cargo shipping**  
6 **facilities**

7 “The Under Secretary of Transportation for Security  
8 shall establish a system for the regular inspection of ship-  
9 ping facilities for shipments of cargo transported in air  
10 transportation or intrastate air transportation to ensure  
11 that appropriate security controls, systems, and protocols  
12 are observed, and shall enter into arrangements with the  
13 civil aviation authorities, or other appropriate officials, of  
14 foreign countries to ensure that inspections are conducted  
15 on a regular basis at shipping facilities for cargo trans-  
16 ported in air transportation to the United States.”.

17 (b) ADDITIONAL INSPECTORS.—The Under Secretary  
18 may increase the number of inspectors as necessary to im-  
19 plement the requirements of title 49, United States Code,  
20 as amended by this subtitle.

21 (c) CONFORMING AMENDMENT.—The chapter anal-  
22 ysis for chapter 449 of title 49, United States Code, is  
23 amended by adding at the end the following:

“44922. Regular inspections of air cargo shipping facilities”.

1 **SEC. 4. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.**

2 (a) IN GENERAL.—Subchapter I of chapter 449 of  
3 title 49, United States Code, is further amended by adding  
4 at the end the following:

5 **“§ 44923. Air cargo security**

6 “(a) DATABASE.—The Under Secretary of Transpor-  
7 tation for Security shall establish an industry-wide pilot  
8 program database of known shippers of cargo that is to  
9 be transported in passenger aircraft operated by an air  
10 carrier or foreign air carrier in air transportation or intra-  
11 state air transportation. The Under Secretary shall use  
12 the results of the pilot program to improve the known  
13 shipper program.

14 “(b) INDIRECT AIR CARRIERS.—

15 “(1) RANDOM INSPECTIONS.—The Under Sec-  
16 retary shall conduct random audits, investigations,  
17 and inspections of indirect air carrier facilities to de-  
18 termine if the indirect air carriers are meeting the  
19 security requirements of this title.

20 “(2) ENSURING COMPLIANCE.—The Under Sec-  
21 retary may take such actions as may be appropriate  
22 to promote and ensure compliance with the security  
23 standards established under this title.

24 “(3) NOTICE OF FAILURES.—The Under Sec-  
25 retary shall notify the Secretary of Transportation

1 of any indirect air carrier that fails to meet security  
2 standards established under this title.

3 “(4) WITHDRAWAL OF SECURITY PROGRAM AP-  
4 PROVAL.—The Under Secretary may issue an order  
5 amending, modifying, suspending, or revoking ap-  
6 proval of a security program of an indirect air car-  
7 rier that fails to meet security requirements imposed  
8 by the Under Secretary if such failure threatens the  
9 security of air transportation or commerce. The af-  
10 fected indirect air carrier shall be given notice and  
11 the opportunity to correct its noncompliance unless  
12 the Under Secretary determines that an emergency  
13 exists. Any indirect air carrier that has the approval  
14 of its security program amended, modified, sus-  
15 pended, or revoked under this section may appeal  
16 the action in accordance with procedures established  
17 by the Under Secretary under this title.

18 “(5) INDIRECT AIR CARRIER.—In this sub-  
19 section, the term ‘indirect air carrier’ has the mean-  
20 ing given that term in part 1548 of title 49, Code  
21 of Federal Regulations.

22 “(c) CONSIDERATION OF COMMUNITY NEEDS.—In  
23 implementing air cargo security requirements under this  
24 title, the Under Secretary may take into consideration the  
25 extraordinary air transportation needs of small or isolated

1 communities and unique operational characteristics of car-  
2 riers that serve those communities.”.

3 (b) ASSESSMENT OF INDIRECT AIR CARRIER PRO-  
4 GRAM.—The Under Secretary of Transportation for Secu-  
5 rity shall assess the security aspects of the indirect air  
6 carrier program under part 1548 of title 49, Code of Fed-  
7 eral Regulations, and report the result of the assessment,  
8 together with any recommendations for necessary modi-  
9 fications of the program to the Senate Committee on Com-  
10 merce, Science, and Transportation and the House of Rep-  
11 resentatives Committee on Transportation and Infrastruc-  
12 ture within 60 days after the date of enactment of this  
13 Act. The Under Secretary may submit the report and rec-  
14 ommendations in classified form.

15 (c) REPORT TO CONGRESS ON RANDOM AUDITS.—  
16 The Under Secretary of Transportation for Security shall  
17 report to the Senate Committee on Commerce, Science,  
18 and Transportation and the House of Representatives  
19 Committee on Transportation and Infrastructure on ran-  
20 dom screening, audits, and investigations of air cargo se-  
21 curity programs based on threat assessments and other  
22 relevant information. The report may be submitted in clas-  
23 sified form.

24 (d) CONFORMING AMENDMENT.—The chapter anal-  
25 ysis for chapter 449 of title 49, United States Code, as

1 amended by section 3, is amended by adding at the end  
 2 the following:

“44923. Air cargo security”.

3 **SEC. 5. TRAINING PROGRAM FOR CARGO HANDLERS.**

4       The Under Secretary of Transportation for Security  
 5 shall establish a training program for any persons that  
 6 handle air cargo to ensure that the cargo is properly han-  
 7 dled and safe-guarded from security breaches.

8 **SEC. 6. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.**

9       (a) IN GENERAL.—The Under Secretary of Trans-  
 10 portation for Security shall establish a program requiring  
 11 that air carriers operating all-cargo aircraft have an ap-  
 12 proved plan for the security of their air operations area,  
 13 the cargo placed aboard such aircraft, and persons having  
 14 access to their aircraft on the ground or in flight.

15       (b) PLAN REQUIREMENTS.—The plan shall include  
 16 provisions for—

17           (1) security of each carrier’s air operations  
 18 areas and cargo acceptance areas at the airports  
 19 served;

20           (2) background security checks for all employ-  
 21 ees with access to the air operations area;

22           (3) appropriate training for all employees and  
 23 contractors with security responsibilities;

24           (4) appropriate screening of all flight crews and  
 25 persons transported aboard all-cargo aircraft;

1           (5) security procedures for cargo placed on all-  
 2           cargo aircraft as provided in section 44901(f)(1)(B)  
 3           of title 49, United States Code; and

4           (6) additional measures deemed necessary and  
 5           appropriate by the Under Secretary.

6           (c) CONFIDENTIAL INDUSTRY REVIEW AND COM-  
 7           MENT.—

8           (1) CIRCULATION OF PROPOSED PROGRAM.—  
 9           The Under Secretary shall—

10           (A) propose a program under subsection  
 11           (a) within 90 days after the date of enactment  
 12           of this Act; and

13           (B) distribute the proposed program, on a  
 14           confidential basis, to those air carriers and  
 15           other employers to which the program will  
 16           apply.

17           (2) COMMENT PERIOD.—Any person to which  
 18           the proposed program is distributed under para-  
 19           graph (1) may provide comments on the proposed  
 20           program to the Under Secretary not more than 60  
 21           days after it was received.

22           (3) FINAL PROGRAM.—The Under Secretary of  
 23           Transportation shall issue a final program under  
 24           subsection (a) not later than 90 days after the last  
 25           date on which comments may be provided under



1 paragraph (2). The final program shall contain time  
 2 frames for the plans to be implemented by each air  
 3 carrier or employer to which it applies.

4 (4) SUSPENSION OF PROCEDURAL NORMS.—  
 5 Neither chapter 5 of title 5, United States Code, nor  
 6 the Federal Advisory Committee Act (5 U.S.C.  
 7 App.) shall apply to the program required by this  
 8 section.

9 **SEC. 7. REPORT ON PASSENGER PRESCREENING PRO-**  
 10 **GRAM.**

11 (a) IN GENERAL.—Within 90 days after the date of  
 12 enactment of this Act, the Secretary of Homeland Secu-  
 13 rity, after consultation with the Attorney General, shall  
 14 submit a report in writing to the Senate Committee on  
 15 Commerce, Science, and Transportation and the House of  
 16 Representatives Committee on Transportation and Infra-  
 17 structure on the potential impact of the Transportation  
 18 Security Administration’s proposed Computer Assisted  
 19 Passenger Prescreening system, commonly known as  
 20 CAPPS II, on the privacy and civil liberties of United  
 21 States citizens.

22 (b) SPECIFIC ISSUES TO BE ADDRESSED.—The re-  
 23 port shall address the following:

24 (1) Whether and for what period of time data  
 25 gathered on individual travelers will be retained, who

1 will have access to such data, and who will make de-  
2 cisions concerning access to such data.

3 (2) How the Transportation Security Adminis-  
4 tration will treat the scores assigned to individual  
5 travelers to measure the likelihood they may pose a  
6 security threat, including how long such scores will  
7 be retained and whether and under what cir-  
8 cumstances they may be shared with other govern-  
9 mental, non-governmental, or commercial entities.

10 (3) The role airlines and outside vendors or  
11 contractors will have in implementing and operating  
12 the system, and to what extent will they have access,  
13 or the means to obtain access, to data, scores, or  
14 other information generated by the system.

15 (4) The safeguards that will be implemented to  
16 ensure that data, scores, or other information gen-  
17 erated by the system will be used only as officially  
18 intended.

19 (5) The procedures that will be implemented to  
20 mitigate the effect of any errors, and what proce-  
21 dural recourse will be available to passengers who  
22 believe the system has wrongly barred them from  
23 taking flights.

24 (6) The oversight procedures that will be imple-  
25 mented to ensure that, on an ongoing basis, privacy

1 and civil liberties issues will continue to be consid-  
2 ered and addressed with high priority as the system  
3 is installed, operated and updated.

4 **SEC. 8. MODIFICATION OF REQUIREMENTS REGARDING**  
5 **TRAINING TO OPERATE AIRCRAFT.**

6 (a) IN GENERAL.—Section 44939 of title 49, United  
7 States Code, is amended to read as follows:

8 **“§ 44939. Training to operate certain aircraft**

9 “(a) IN GENERAL.—

10 “(1) WAITING PERIOD.—A person subject to  
11 regulation under this part may provide training in  
12 the United States in the operation of an aircraft to  
13 an individual who is an alien (as defined in section  
14 101(a)(3) of the Immigration and Nationality Act (8  
15 U.S.C. 1101(a)(3))) or to any other individual speci-  
16 fied by the Under Secretary of Homeland Security  
17 for Border and Transportation Security only if—

18 “(A) that person has notified the Under  
19 Secretary that the individual has requested  
20 such training and furnished the Under Sec-  
21 retary with that individual’s identification in  
22 such form as the Under Secretary may require;  
23 and

24 “(B) the Under Secretary has not directed,  
25 within 30 days after being notified under sub-

paragraph (A), that person not to provide the requested training because the Under Secretary has determined that the individual presents a risk to aviation security or national security.

“(2) NOTIFICATION-ONLY INDIVIDUALS.—

“(A) IN GENERAL.—The requirements of paragraph (1) shall not apply to an alien individual who holds a visa issued under title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and who—

“(i) has earned a Federal Aviation Administration type rating in an aircraft or has undergone type-specific training, or

“(ii) holds a current pilot’s license or foreign equivalent commercial pilot’s license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation,

if the person providing the training has notified the Under Secretary that the individual has requested such training and furnished the Under

1 Secretary with that individual's visa informa-  
2 tion.

3 “(B) EXCEPTION.—Subparagraph (A)  
4 does not apply to an alien individual whose air-  
5 man's certificate has been suspended or revoked  
6 under procedures established by the Under Sec-  
7 retary.

8 “(3) EXPEDITED PROCESSING.—The waiting  
9 period under paragraph (1) shall be expedited for an  
10 individual who—

11 “(A) has previously undergone a back-  
12 ground records check by the Foreign Terrorist  
13 Tracking Task Force;

14 “(B) is employed by a foreign air carrier  
15 certified under part 129 of title 49, Code of  
16 Federal Regulations, that has a TSA 1546 ap-  
17 proved security program and who is undergoing  
18 recurrent flight training;

19 “(C) is a foreign military pilot endorsed by  
20 the United States Department of Defense for  
21 flight training; or

22 “(D) who has unescorted access to a se-  
23 cured area of an airport designated under sec-  
24 tion 44936(a)(1)(A)(ii).

1           “(4) INVESTIGATION AUTHORITY.—In order to  
2       determine whether an individual requesting training  
3       described in paragraph (1) presents a risk to avia-  
4       tion security or national security the Under Sec-  
5       retary is authorized to use the employment inves-  
6       tigation authority provided by section  
7       44936(a)(1)(A) for individuals applying for a posi-  
8       tion in which the individual has unescorted access to  
9       a secured area of an airport designated under sec-  
10      tion 44936(a)(1)(A)(ii).

11           “(5) FEE.—

12           “(A) IN GENERAL.—The Under Secretary  
13       may assess a fee for an investigation under this  
14       section, which may not exceed \$100 per indi-  
15       vidual (exclusive of the cost of transmitting fin-  
16       gerprints collected at overseas facilities) during  
17       fiscal years 2003 and 2004. For fiscal year  
18       2005 and thereafter, the Under Secretary may  
19       adjust the maximum amount of the fee to re-  
20       flect the costs of such an investigation.

21           “(B) OFFSET.—Notwithstanding section  
22       3302 of title 31, United States Code, any fee  
23       collected under this section—

24           “(i) shall be credited to the account in  
25       the Treasury from which the expenses were

1                   incurred and shall be available to the  
2                   Under Secretary for those expenses; and  
3                   “(ii) shall remain available until ex-  
4                   pended.

5           “(b) INTERRUPTION OF TRAINING.—If the Under  
6 Secretary, more than 30 days after receiving notification  
7 under subsection (a)(1)(A) from a person providing train-  
8 ing described in subsection (a)(1) or at anytime after re-  
9 ceiving notice from such a person under subsection  
10 (a)(2)(a), determines that an individual receiving such  
11 training presents a risk to aviation or national security,  
12 the Under Secretary shall immediately notify the person  
13 providing the training of the determination and that per-  
14 son shall immediately terminate the training.

15           “(c) COVERED TRAINING.—For purposes of sub-  
16 section (a), the term ‘training’—

17                   “(1) includes in-flight training, training in a  
18                   simulator, and any other form or aspect of training;  
19                   but

20                   “(2) does not include classroom instruction  
21                   (also known as ground school training), which may  
22                   be provided during the 30-day period described in  
23                   subsection (a)(1)(B).

24           “(d) INTERAGENCY COOPERATION.—The Attorney  
25 General, the Director of Central Intelligence, and the Ad-

1   ministrator of the Federal Aviation Administration shall  
2   cooperate with the Under Secretary in implementing this  
3   section.

4       “(e) SECURITY AWARENESS TRAINING FOR EMPLOY-  
5   EES.—The Under Secretary shall require flight schools to  
6   conduct a security awareness program for flight school  
7   employees, and for certified instructors who provide in-  
8   struction for the flight school but who are not employees  
9   thereof, to increase their awareness of suspicious cir-  
10   cumstances and activities of individuals enrolling in or at-  
11   tending flight school.”.

12       (b) PROCEDURES.—

13           (1) IN GENERAL.—Not later than 60 days after  
14   the date of enactment of this Act, the Under Sec-  
15   retary of Homeland Security for Border and Trans-  
16   portation Security shall promulgate an interim final  
17   rule to implement section 44939 of title 49, United  
18   States Code, as amended by subsection (a).

19           (2) USE OF OVERSEAS FACILITIES.—In order to  
20   implement section 44939 of title 49, United States  
21   Code, as amended by subsection (a), United States  
22   Embassies and Consulates that possess appropriate  
23   fingerprint collection equipment and personnel cer-  
24   tified to capture fingerprints shall provide finger-  
25   print services to aliens covered by that section if the



1 Under Secretary requires fingerprints in the admin-  
2 istration of that section, and shall transmit the fin-  
3 gerprints to the Under Secretary or other agency  
4 designated by the Under Secretary. The Attorney  
5 General and the Secretary of State shall cooperate  
6 with the Under Secretary in carrying out this para-  
7 graph.

8 (3) USE OF UNITED STATES FACILITIES.—If  
9 the Under Secretary requires fingerprinting in the  
10 administration of section 44939 of title 49, United  
11 States Code, the Under Secretary may designate lo-  
12 cations within the United States that will provide  
13 fingerprinting services to individuals covered by that  
14 section.

15 (c) EFFECTIVE DATE.—The amendment made by  
16 subsection (a) takes effect on the effective date of the in-  
17 terim final rule required by subsection (b)(1).

18 (d) REPORT.—Not later than 1 year after the date  
19 of enactment of this Act, the Secretary of Homeland Secu-  
20 rity shall submit to the Senate Committee on Commerce,  
21 Science, and Transportation and the House of Represent-  
22 atives Committee on Transportation and Infrastructure a  
23 report on the effectiveness of the activities carried out  
24 under section 44939 of title 49, United States Code, in  
25 reducing risks to aviation security and national security.

1 **SEC. 9. PASSENGER IDENTIFICATION.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of enactment of this Act, the Under Secretary of  
4 Transportation for Security, in consultation with the Ad-  
5 ministrator of the Federal Aviation Administration, appro-  
6 priate law enforcement, security, and terrorism experts,  
7 representatives of air carriers and labor organizations rep-  
8 resenting individuals employed in commercial aviation,  
9 shall develop guidelines to provide air carriers guidance  
10 for detecting false or fraudulent passenger identification.  
11 The guidelines may take into account new technology, cur-  
12 rent identification measures, training of personnel, and  
13 issues related to the types of identification available to the  
14 public. The Federal Advisory Committee Act (5 U.S.C.  
15 App.) shall not apply to any meeting held pursuant to this  
16 subsection.

17 (b) AIR CARRIER PROGRAMS.—Within 60 days after  
18 the Under Secretary issues the guidelines under sub-  
19 section (a) in final form, the Under Secretary shall provide  
20 the guidelines to each air carrier and establish a joint gov-  
21 ernment and industry council to develop recommendations  
22 on how to implement the guidelines.

23 (c) REPORT.—The Under Secretary of Transpor-  
24 tation for Security shall report to the Senate Committee  
25 on Commerce, Science, and Transportation and the House  
26 of Representatives Committee on Transportation and In-

1 frastructure within 1 year after the date of enactment of  
2 this Act on the actions taken under this section.

3 **SEC. 10. PASSENGER IDENTIFICATION VERIFICATION.**

4 (a) PROGRAM REQUIRED.—The Under Secretary of  
5 Transportation for Security may establish and carry out  
6 a program to require the installation and use at airports  
7 in the United States of the identification verification tech-  
8 nologies the Under Secretary considers appropriate to as-  
9 sist in the screening of passengers boarding aircraft at  
10 such airports.

11 (b) TECHNOLOGIES EMPLOYED.—The identification  
12 verification technologies required as part of the program  
13 under subsection (a) may include identification scanners,  
14 biometrics, retinal, iris, or facial scanners, or any other  
15 technologies that the Under Secretary considers appro-  
16 priate for purposes of the program.

17 (c) COMMENCEMENT.—If the Under Secretary deter-  
18 mines that the implementation of such a program is ap-  
19 propriate, the installation and use of identification  
20 verification technologies under the program shall com-  
21 mence as soon as practicable after the date of that deter-  
22 mination.

1 **SEC. 11. BLAST-RESISTANT CARGO CONTAINER TECH-**  
2 **NOLOGY.**

3 Not later than 6 months after the date of enactment  
4 of this Act, the Under Secretary of Transportation for Se-  
5 curity, and the Administrator of the Federal Aviation Ad-  
6 ministration, shall jointly submit a report to Congress that  
7 contains—

8 (1) an evaluation of blast-resistant cargo con-  
9 tainer technology to protect against explosives in  
10 passenger luggage and cargo;

11 (2) an examination of the advantages associated  
12 with the technology in preventing damage and loss  
13 of aircraft from terrorist action and any operational  
14 impacts which may result from use of the technology  
15 (particularly added weight and costs);

16 (3) an analysis of whether alternatives exist to  
17 mitigate the impacts described in paragraph (2) and  
18 options available to pay for the technology; and

19 (4) recommendations on what further action, if  
20 any, should be taken with respect to the use of blast-  
21 resistant cargo containers on passenger aircraft.

22 **SEC. 12. ARMING PILOTS AGAINST TERRORISM.**

23 (a) FINDINGS AND PURPOSE.—

24 (1) FINDINGS.—Congress makes the following  
25 findings:

1           (A) During the 107th Congress, both the  
2           Senate and the House of Representatives over-  
3           whelmingly passed measures that would have  
4           armed pilots of cargo aircraft.

5           (B) Cargo aircraft do not have Federal air  
6           marshals, trained cabin crew, or determined  
7           passengers to subdue terrorists.

8           (C) Cockpit doors on cargo aircraft, if  
9           present at all, largely do not meet the security  
10          standards required for commercial passenger  
11          aircraft.

12          (D) Cargo aircraft vary in size and many  
13          are larger and carry larger amounts of fuel  
14          than the aircraft hijacked on September 11,  
15          2001.

16          (E) Aircraft cargo frequently contains haz-  
17          ardous material and can contain deadly biologi-  
18          cal and chemical agents and quantities of  
19          agents that caused communicable diseases.

20          (F) Approximately 12,000 of the Nation's  
21          90,000 commercial pilots serve as pilots and  
22          flight engineers on cargo aircraft.

23          (G) There are approximately 2,000 cargo  
24          flights per day in the United States, many of  
25          which are loaded with fuel for outbound inter-

1 national travel or are inbound from foreign air-  
2 ports not secured by the Transportation Secu-  
3 rity Administration.

4 (H) aircraft transporting cargo pose a seri-  
5 ous risk as potential terrorist targets that could  
6 be used as weapons of mass destruction.

7 (I) Pilots of cargo aircraft deserve the  
8 same ability to protect themselves and the air-  
9 craft they pilot as other commercial airline pi-  
10 lots.

11 (J) Permitting pilots of cargo aircraft to  
12 carry firearms creates an important last line of  
13 defense against a terrorist effort to com-  
14 mandeer a cargo aircraft.

15 (2) SENSE OF CONGRESS.—It is the sense of  
16 Congress that a member of a flight deck crew of a  
17 cargo aircraft should be armed with a firearm to de-  
18 fend the cargo aircraft against an attack by terror-  
19 ists that could result in the use of the aircraft as a  
20 weapon of mass destruction or for other terrorists  
21 purposes.

22 (b) ARMING CARGO PILOTS AGAINST TERRORISM.—  
23 Section 44921 of title 49, United States Code, is  
24 amended—

1           (1) by striking “passenger” in subsection (a)  
2 each place that it appears;

3           (2) by striking “or,” and all that follows in sub-  
4 section (k)(2) and inserting “or any other flight  
5 deck crew member.”; and

6           (3) by adding at the end of subsection (k) the  
7 following:

8           “(3) ALL-CARGO AIR TRANSPORTATION.—For  
9 the purposes of this section, the term air transpor-  
10 tation includes all-cargo air transportation.”.

11       (c) IMPLEMENTATION.—

12           (1) TIME FOR IMPLEMENTATION.—The training  
13 of pilots as Federal flight deck officers required in  
14 the amendments made by subsection (b) shall begin  
15 as soon as practicable and no later than 90 days  
16 after the date of enactment of this Act.

17           (2) EFFECT ON OTHER LAWS.—The require-  
18 ments of subparagraph (1) shall have no effect on  
19 the deadlines for implementation contained in sec-  
20 tion 44921 of title 49, United States Code, as in ef-  
21 fect on the day before the date of enactment of this  
22 Act.

1 **SEC. 13. REPORT ON DEFENDING AIRCRAFT FROM MAN-**  
2 **PORTABLE AIR DEFENSE SYSTEMS (SHOUL-**  
3 **DER-FIRED MISSILES).**

4 (a) IN GENERAL.—Not later than 90 days after the  
5 date of the enactment of this Act, the Secretary of Home-  
6 land Security shall issue a report to the Senate Committee  
7 on Commerce, Science, and Transportation and the House  
8 of Representatives Committee on Transportation and In-  
9 frastructure on how best to defend turbo and jet passenger  
10 aircraft from Man-Portable Air Defense Systems (shoul-  
11 der-fired missiles).

12 (b) ISSUES TO BE ADDRESSED.—The report shall in-  
13 clude an analysis of—

14 (1) actions taken to date, countermeasures, risk  
15 mitigation, and other activities;

16 (2) existing military countermeasure systems  
17 and how those systems might be adapted to commer-  
18 cial aircraft applications;

19 (3) means of reducing the costs of military  
20 countermeasure systems by modifying them for use  
21 on commercial aircraft; and

22 (4) the extent of the threat and the need for  
23 countermeasures.

24 (c) REPORT FORMAT.—The report may be submitted  
25 in classified form.



1 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Sec-  
3 retary of Homeland Security such sums as may be nec-  
4 essary to carry out this Act and sections 44901(f), 44922,  
5 and 44923 of title 49, United States Code, for fiscal years  
6 2004 through 2008.

Passed the Senate May 8, 2003.

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

**S. 165**

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**AN ACT**

To improve air cargo security.